



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

JLP:ddj

Docket No: 5211-00

31 October 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 31 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 21 September 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1780
PERS-604
21 Sep 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION ICO
[REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 6 Sep 00
(b) Title 38, United States Code, Chapter 32
(c) Veterans Improvement Act of 1996 (PL 104-275)

1. The following is provided in response to reference (a):

a. Recommend denial of [REDACTED] request to enroll in the Montgomery GI Bill (MGIB) Program. The Veterans Educational Assistance Program (VEAP) was a voluntary contributory program in which Navy matched each dollar contributed by the member with two dollars. VEAP participants were allowed to contribute a maximum of \$2,700 for a total return of \$8,100 in educational benefits. Section 3223 of reference (b) provides the option for participants to disenroll from VEAP by requesting a refund of contributions.

b. Reference (c) provided the opportunity for VEAP participants to enroll in the (MGIB) Program provided they were on active duty and had contributions in a VEAP account on 9 October 1996 (date of enactment). There was no requirement for a member to have a \$25 balance since no dollar amount was specified by law. Navy did not know the requirements for conversion until the law was enacted; therefore, it was not possible to advise members in advance what action to take to guarantee eligibility for the MGIB Program. Since ETC Samuels withdrew his contributions of \$2,175 on 5 July 1989 and the remaining \$25 on 3 August 1989, and did not recontribute funds again, he was not eligible to enroll in the MGIB Program.

2. ETC Samuels retains VEAP as his education benefits program. He may contribute a total of \$2,700 prior to leaving active duty to receive maximum benefits of \$8,100.

3. PERS 604's point of contact is Ms. [REDACTED] who can be reached at (DSN) 882-3227 or (C) 901-874-3227.

[REDACTED]
Captain, U.S. Navy
Director, Navy Drug & Alcohol,
Fitness, Education, &
Partnerships Division (PERS-60)